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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
PHOENIX DIVISION

Todd Heichel, Rudy Castro, Justin Garmendia, Joshua Holgate and Randi Pitts, Each Individually and on Behalf of All Others Similarly Situated,

Plaintiffs,

V.

Tri City Transport, LLC, SWWOOP,
LLC, and Michael Butler,

Defendants.

No. 2:22-cv-1513-PHX-SMM

**PLAINTIFFS' MOTION FOR
COSTS AND ATTORNEYS' FEES**

Plaintiffs Todd Heichel, Rudy Castro, Justin Garmendia, Joshua Holgate and Randi Pitts (collectively “Plaintiffs”), each individually and on behalf of all others similarly situated, by and through their attorneys of Sanford Law Firm, PLLC, and for their Motion for Costs and Attorneys’ Fees, state and allege as follows:

1. Plaintiffs filed this lawsuit as a collective action on September 8, 2022, pursuant to the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201 *et seq.*, to recover unpaid wages.

1 2. During the following months, Opt-in Plaintiffs Cassidy Dorius, Robin
2 Pulis, Courtney Haddo, Roscoe Butterfield, Billy Durbin, Karly Hernandez, Domingo
3 Limon, Shavale James Evison, Isabel Van Der Renst, and Pete Young (collectively
4 “Opt-in Plaintiffs”) each filed a signed consent to join this lawsuit. ECF Nos. 14, 17–
5 21, 24, 27, 31.
6

7 3. After significant effort and multiple extensions, Plaintiffs were able to
8 properly serve all three Defendants, but Defendants never filed an Answer or otherwise
9 responded. Accordingly, Plaintiffs moved for entry default judgment (ECF No. 49),
10 which the Court granted as to named Plaintiffs only on September 26 (ECF No. 51).
11

12 4. Plaintiffs moved the Court to include the Opt-in Plaintiffs in the default
13 judgment, which the Court granted in-part on November 6. ECF No. 56. The Court also
14 directed Plaintiffs to file their Motion for Fees by November 20. Id.
15

16 5. Accordingly, Plaintiffs file the current Motion requesting an award of
17 costs and attorneys’ fees pursuant to the FLSA, 29 U.S.C. § 216(b).
18

19 6. As shown in the Invoice, attached as Exhibit 1, Plaintiffs request
20 \$20,490.00 in attorneys’ fees incurred through November 14 related to the successful
21 litigation of Plaintiffs’ claims.
22

23 7. As shown in detail on Plaintiffs’ Costs Invoice, attached as Exhibit 3,
24 Plaintiffs also incurred \$1,312.35 in costs other than attorneys’ fees during the
25 litigation. Plaintiffs are entitled to these costs under the FLSA, 29 U.S.C. § 216(b), and
26 under Rule 54(d).

1 8. Accordingly, Plaintiffs request a total award of costs and fees in the
2 amount of \$21,802.35.

3 9. Plaintiffs concurrently file and incorporate into this Motion their Brief in
4 Support.

5 10. In further support of this Motion, Plaintiffs incorporate the following
6 exhibits:

8 Ex. 1: Billing Invoice;
9 Ex. 2: Declaration of Attorney Josh Sanford; and
10 Ex. 3: Costs Invoice.

11 WHEREFORE, premises considered, Plaintiffs respectfully requests that this
12 Motion for Costs and Attorneys' Fees be granted in its entirety, that the Court award
13 Plaintiffs fees and costs in the amount of \$21,802.35, and for all other just and equitable
14 relief to which Plaintiffs may be entitled.

1
Respectfully submitted,

2
**TODD HEICHEL, RUDY CASTRO,
JUSTIN GARMENDIA, JOSHUA
HOLGATE and RANDI PITTS, Each
Individually and on Behalf of All Others
Similarly Situated, PLAINTIFFS**

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